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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,014	11/03/2003	Masakazu Nakamura	112857-459	3703
29175 7590 04/14/2008 BELI., BOYD & LLOYD, LLP P. O. BOX 1135 CHICAGO, IL 60690				
EXAMINER LIOU, ERIC				
ART UNIT 3628		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/700,014

Applicant(s)

NAKAMURA ET AL.

Examiner

Eric Liou

Art Unit

3628

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19, 20, 29-40 and 61-63 is/are pending in the application.
- 4a) Of the above claim(s) 19, 20, 36-40, 61 and 63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-35 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/16/07 has been entered.

Election/Restrictions

2. Applicant's election without traverse of Group II (claims 29-35 and 62) in the reply filed on 1/31/08 is acknowledged. Claims 19-20, 36-40, 61, and 63 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 29-35 and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 29 recites "forming event information unique to each of the events" in line 7. The phrase "each of the events" suggests more than one event. It is unclear how there can be

multiple events when the electronic ticket management method plans a single event as recited in line 2.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 29-31, 33-35, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, U.S. Publication No. 2003/0105641 in view of Goldstein et al., U.S. Patent No. 6,216,227.

8. **As per claim 29**, Lewis teaches an electronic ticket management method employing an event organizer apparatus for planning an event, an electronic ticket distribution authentication apparatus for distributing electronic ticket information which authenticates a right to attend the event, an information storage chip for storing the electronic ticket information, and an electronic ticket platform center for managing the distribution of the electronic ticket information, the electronic ticket management method comprising the steps of:

forming event information unique to each of the events and registering the event information in the electronic ticket platform center by the event organizer apparatus (Lewis: paragraphs 0006; 0010; 0020);

receiving a request to distribute the electronic ticket information concerning a plurality of electronic tickets for the event from a user of the information storage chip (Lewis: paragraphs

0005; 0020; 0026; 0028; 0030), performing distribution authentication processing for determining whether the electronic ticket information is to be distributed to the user, and registering an authentication result in the electronic ticket platform center as ticket issuing information by the electronic ticket distribution authentication apparatus (Lewis: paragraphs 0010; 0021; 0026; 0028; 0030; The customer pays for the ticket and a record of the transaction is created in the vendor computer system/main computer system.) and

forming an electronic ticket information master based on the event information registered by the event organizer apparatus (Lewis: paragraphs 0010; 0021; 0026; 0028; 0030), relating the ticket issuing information registered by the electronic ticket distribution authentication apparatus to the electronic ticket information master (Lewis: paragraphs 0010; 0021; 0025; 0027; 0030-0031), and performing ticket issuing processing for writing the electronic ticket information concerning an electronic ticket for attending the event into the information storage chip based on the ticket issuing information by the electronic ticket platform center (Lewis: paragraphs 0010; 0021; 0025; 0027; 0030-0031; see smart card, handheld device 112, and wireless handheld device 182), wherein at least one of the plurality of electronic tickets are structured in a format that allows the at least one ticket to be assigned from the information storage chip to at least one other information storage chip using the electronic ticket platform center (Lewis: paragraphs 0027; 0029-0031; Lewis teaches the electronic ticket is structured in a format that allows the handheld device to transmit and receive ticket information to and from the vendor computer system/validation system. The Examiner notes, the claim merely recites the ticket is structured in a format that allows for the ticket to be assigned to another information storage chip. The step of actively performing the assigning step is not positively recited in the claim. Lewis teaches the

ticket is structured in a format that allows for assigning the ticket to another information storage chip. Moreover, transmitting assigned electronic ticket information from the information storage chip to the vendor computer system and back to an information storage chip (assigning a ticket) is a duplication of parts. See *In re Harza*, 124 USPQ 378 (CCPA 1960) (Mere duplication of parts has no patentable significance unless new and unexpected result is produced). There is no new or unexpected result produced since the ticket information is simply assigned to an information storage chip.).

9. Lewis teaches purchasing one or more tickets for an event (Lewis: paragraph 0010), but does not explicitly teach writing electronic ticket information concerning a plurality of electronic tickets for attending the event into the information storage chip.

10. Goldstein teaches loading multiple electronic tickets for a range of events onto a smart card (Goldstein: col. 3, lines 47-51).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Lewis to have included writing electronic ticket information concerning a plurality of electronic tickets for attending the event into the information storage chip as taught by Goldstein for the advantage of providing greater convenience to a customer by storing all tickets to multiple events on one card.

12. **As per claim 30**, Lewis further teaches wherein the event organizer apparatus selects the electronic ticket distribution authentication apparatus for handling the electronic ticket information concerning the event (Lewis: paragraphs 0010; 0021; 0026; 0028; 0030).

13. **As per claim 31**, Lewis further teaches wherein the information storage chip is distributed as a membership card according to a membership registration via the electronic ticket distribution authentication apparatus (Lewis: paragraph 0025).

14. **As per claim 33**, Lewis further teaches wherein the request to distribute the electronic ticket information from the user is sent and the ticket issuing processing is performed by the electronic ticket platform center via a network (Lewis: paragraphs 0020; 0027).

15. **As per claim 34**, Lewis further teaches wherein an electronic ticket information distribution store terminal is provided, and the request to distribute the electronic ticket information from the user is sent and the ticket issuing processing is performed by the electronic ticket platform center via the electronic ticket information distribution store terminal (Lewis: paragraphs 0005-0006; 0020; 0027).

16. **As per claim 35**, Lewis further teaches wherein authentication processing by the electronic ticket platform center is required when the electronic ticket information is written into the information storage chip (Lewis: paragraphs 0010; 0021; 0026-0028; 0030).

17. **As per claim 62**, Lewis in view of Goldstein does not explicitly teach wherein the plurality of electronic tickets written to the storage chip correspond to a plurality of consecutive seats for the same event. However, any difference in the type of tickets stored and the plurality of electronic tickets written on the smart card taught by Goldstein is solely found in the non-functional descriptive material of the stored information. Non-functional descriptive material cannot lend patentability to an invention that would have otherwise been anticipated by the prior art. *In re Ngai*, 367 F.3d 1336, 1339; 70 USPQ2d 1862, 1864 (Fed. Cir. 2004); *cf. In re Gulack*, 703 F.2d 1381, 1385; 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not

functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

18. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, U.S. Publication No. 2003/0105641 in view of Goldstein et al., U.S. Patent No. 6,216,227 and further in view of Gebb, U.S. Patent No. 6,067,532.

19. **As per claim 32**, Lewis in view of Goldstein does not explicitly teach wherein a predetermined time period is provided between the distribution authentication processing performed by the electronic ticket distribution authentication apparatus and the ticket issuing processing performed by the electronic ticket platform center.

20. Gebb teaches a ticket server compares the current date with a predetermined time period before an event in order to determine if it is acceptable to redistribute a ticket to a new customer (Gebb: col. 2, lines 40-43; col. 7, lines 42-50).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Lewis in view of Goldstein to have included wherein a predetermined time period is provided between the distribution authentication processing performed by the electronic ticket distribution authentication apparatus and the ticket issuing processing performed by the electronic ticket platform center as taught by Gebb for the advantage of preventing the purchase of tickets when there is insufficient time to obtain the tickets and attend the event (Gebb: col. 8, lines 6-11).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Doughty et al., U.S. Publication No. 2005/0001711
- b. Nakfoor, U.S. Patent No. 6,496,809
- c. Husemann et al, U.S. Patent No. 6,192,349
- d. Sehr, U.S. Patent No. 6,085, 976

The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is (571)270-1359. The examiner can normally be reached on Monday - Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric Liou/
Examiner, Art Unit 3628

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628